

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**Aug 27, 2010**

DIVISION ONE

[illegible]

The court shall amend the abstract of judgment to reflect 281 total presentence credits, and forward the amended abstract of judgment to the California Department of Corrections and Rehabilitation. As so modified, the judgment is affirmed.

Johnson, J.

We concur:   Mallano, P.J.  
                      Chaney, J.

B217574 People v. Reyes (Not for Publication)

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The trial court is ordered to stay, pursuant to section 654, the three-year sentence on count 5. The court shall amend the abstract of judgment accordingly, and forward the amended abstract of judgment to the California Department of Corrections and Rehabilitation. In all other respects, the judgment is affirmed.

Johnson, J.

We concur:   Mallano, P.J.  
                      Rothschild, J.

August 27, 2010 (Continued)

## DIVISION ONE (continued)

[illegible]

The judgment is modified to award appellant eight additional days of presentence credit. In all other respects, the judgment is affirmed.

Rothschild, Acting P.J.

We concur: Chaney, J.  
Johnson, J.

B216848      Ellerbee      (Certified for Publication)  
v.  
County of Los Angeles, et al.

The judgment is reversed. The matter is remanded to the trial court with instructions to vacate the judgment and to enter an order granting the County's motion for judgment on the pleadings. The pretrial order awarding sanctions jointly and severally against the County, the Sheriff and Nelson is affirmed. The motion to dismiss the appeal and to impose sanctions is denied. Each party shall bear his or its own costs on appeal.

Johnson, J.

We concur:   Rothschild, Acting P.J.  
                    Chaney, J.

B206763      Saller      (Certified for Publication)  
v.  
Crown Cork & Seal Company, Inc.

The judgment of the superior court is reversed. Appellants are to recover their costs on appeal.

Johnson, J.

We concur:   Mallano, P.J.  
                      Rothschild, J.

## DIVISION ONE (continued)

B209873      Roosen      (Not for Publication)  
v.  
Farrell

The orders granting the special motion to strike and awarding Douglas Farrell attorney fees are affirmed. Farrell is entitled to his costs on appeal.

Mallano, P.J.

We concur: Rothschild, J.  
Chaney, J.

B220940      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
D.B.

The November 12, 2009 order is modified by striking the provisions asserting dependency court jurisdiction over Robin B. and Victoria B. under Welfare and Institutions Code section 300, subdivision (g), pursuant to count g-1 of the first amended petition. As so modified and in all other respects, the order is affirmed.

Mallano, P.J.

I concur: Johnson, J.  
I concur and dissent: Chaney, J. (Opinion)

## DIVISION ONE (continued)

B214364 Williams (Not for Publication)  
v.  
Ablakhad

The order granting the motion for relief from the late filing of a motion for attorney fees is reversed and the trial court is directed to enter a new and different order denying the motion. The order awarding trial attorney fees is vacated. Each party is to bear its own costs on appeal. Respondent's costs to be borne by her attorney.

Rothschild, J.

We concur:   Mallano, P.J.  
                      Johnson, J.

### DIVISION THREE

B220590 Charles Dunn Company, Inc. (Not for Publication)  
v.  
Singpoli Pacifica Development, Ltd.

The judgment in favor of plaintiff is affirmed. Plaintiff is awarded its costs on appeal and the trial court is directed to hold a hearing upon remand, to determine and award to plaintiff reasonable attorney fees on appeal.

Croskey, Acting P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

### DIVISION THREE (continued)

B217598      Liu                          (Not for Publication)  
v.  
Tsai

The judgment is affirmed. Leo's motion to dismiss the appeal and for sanctions for filing a frivolous appeal is denied. Leo shall recover costs on appeal.

Klein, P.J.

We concur:   Croskey, J.  
                      Aldrich, J.

## DIVISION FOUR

B215274 Colony Insurance Company (Not for Publication)  
v.  
Crusader insurance Company

The judgment is affirmed. Respondent shall have its costs on appeal.

Manella, J.

We concur: Epstein, P.J.  
Willhite, J.

B215465      Casasola, et al.  
v.  
LAUSD

Filed order denying petition for rehearing.

August 27, 2010 (Continued)

DIVISION FIVE

B219446      Los Angeles County, D.C.F.S.      (Not for Publication)  
                 v.  
                 T.H.

The judgment is affirmed.

Kriegler, J.

I concur:      Mosk, J.

I concur and dissent:    Armstrong, Acting P.J. (Opinion)

DIVISION EIGHT

Court convened at 9:00 a.m.

Present: Bigelow, P.J., Flier, J., Grimes, J., O'Connell, J. (Assigned) and Emma Jean Amos, Deputy Clerk.

Bigelow, P.J. announces that Justice Rubin cannot be present for oral argument. Barring objection from counsel Justice Rubin will participate in oral argument by listening to the audio recording of these proceedings.

Each of the following:

B219492 South Shores Racquet, etc. v. William Gill, et al.  
B221615 DCFS v. L.O.  
B217160 People v. Juarez  
B219892 People v. L.W.  
B216752 People v. Preston & Carrillo  
B213449 Lichter et al. v. Kaiser Papers Website, et al.  
B220673 DCFS v. Michael M.  
B217251 People v. William T.  
B218292 People v. Gutierrez  
B219161 People v. Juarez

Argument waived, cause submitted.

DIVISION EIGHT (continued)

B216442 David Curiel

v.

Board of Civil Service Commissioners of the City of Los Angeles

Merits:

Argued by Stephen J. Horvath for appellant and by Patricia Almon Mor, Deputy City Attorney for respondent. Cause submitted.

B219449 Birdie M. Smith

v.

U.S. Bank National Association

Merits:

Argued by Jessica Alexander for appellant and by Ryan Squire for respondent. Cause submitted.

Grimes, J. left the bench.

O'Connell, J. (Assigned) left the bench.

B219254 Lilia Barron, et al.

v

CFHS Holdings, dba Centinela Freeman Regional Medical

Merits:

Argued by Robert J. Mandell for appellants and by Darla M. Canon for respondent. Cause submitted.

Grimes, J. returned to the bench.

O'Connell, J. (Assigned) returned to the bench.

DIVISION EIGHT (continued)

B211873      Paul Vertullo, et al.  
                 v.  
                 L.A. Cars Wharehouse

Merits:

Argued by Brice Bryan and Christopher J. Brantingham for appellants and  
by Sandra P. Llaneta for respondent. Cause submitted.

Court recessed.

Court reconvened at 10:53 a.m.

Present: Bigelow, P.J., Flier, J., O'Connell, J. (Assigned) and Emma Jean Amos, Deputy  
Clerk.

B216403      People  
                 v.  
                 Dwight Davis

Merits:

Argued by Carol S. Boyd for appellant and appearance only by Gary  
Lieberman, Deputy Attorney General for respondent. Cause submitted.

B216981      People  
                 v.  
                 Ernest Nelson

Merits:

Argued by Leonard Klaif for appellant and by Shira Seigle, Deputy  
Attorney General for respondent. Cause submitted.

Grimes, J. assumes the bench.



DIVISION EIGHT (continued)

B221562     DCFS  
              v.  
              N.C.

Merits:

Argued by Christopher Blake for appellant and by William D. Thetford, Deputy County Counsel for respondent. Cause submitted.

Court recessed

Court reconvened at 1:00 p.m.

Present: Bigelow, P.J., Flier, J., Grimes, J., O'Connell, J. (Assigned) and Emma Jean Amos, Deputy Clerk.

Bigelow, P.J. announces that Justice Rubin cannot be present for oral argument. Barring objection from counsel Justice Rubin will participate in oral argument by listening to the audio recording of these proceedings.

B219503     North by Northwest Productions, Inc.,  
              v.  
              First Look Studios, Inc.,

Merits:

Argued by Charles M. Coate for appellant and by Isaac H. Braddock for respondent. Cause submitted.

Flier, J. left the bench.

B213451     William Molina, et al.  
              v.  
              Shell Oil Company, et al.

Merits:

Argued by Deborah R. Rosenthal for appellants and by Mary-Christine Sungaila for respondents. Cause submitted.

Flier, J. returned to the bench.

DIVISION EIGHT (continued)

B216004      Rogelio Hernandez  
                 v.  
                 Chipotle Mexican Grill, Inc.

Merits:  
Argued by Michael Rubin for appellant and by Richard J. Simmons for  
respondent. Cause submitted.

B222277      Suminarti Yusuf  
                 v.  
                 Andrew Tjia, et al.

Merits:  
Argued by Mark M. Hathaway for appellants and by Kevin Kish and  
Robert for respondent. Cause submitted.

Flier, J. left the bench.

O'Connell, J. (Assigned) left the bench.

B218873      Alvarez, et al. v. Dave & Buster's, Inc.,

Oral argument continued to September 29, 2010 at 9:00 a.m.

B189898      McCann, et al. v. Wheeler

Oral argument continued to September 28, 2010 at 1:00 p.m.

B218601      Commonwealth Land v. Trembley

Oral argument continued to October 27, 2010 at 1:00 p.m.

Court adjourned.